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17 ATTORNEYS FOR DEFENDANTS

18 IN THE UNITED STATES DISTRICT COURT
19 FOR THE NORTHERN DISTRICT OF CALIFORNIA
20 SAN FRANCISCO DIVISION

21

RYAN C. DONLON, Plaintiff, v. UNITED STATES OF AMERICA and CATHY CATTERSON, Clerk of the United States Court of Appeals for the Ninth Circuit, Defendants.	Civil Action No. C-05-0536 JSW STIPULATION AND [PROPOSED] ORDER TO STAY PROCEEDINGS
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22 WHEREAS, defendants' response to plaintiff's Complaint is currently due on May 2,
23 2005, the United States Attorney's office having been served on March 1, 2005;

24 WHEREAS, the Complaint alleges that the official seal of the United States Court of
25 Appeals for the Ninth Circuit includes a depiction of the Ten Commandments, and that such
26 inclusion violates the Establishment Clause of the First Amendment;

1 WHEREAS, the United States Supreme Court heard oral argument, on March 2, 2005,
2 in two cases that present issues regarding display of the Ten Commandments on government
3 property, McCreary County, Kentucky, et al. v. American Civil Liberties Union of Kentucky,
4 et al., No. 03-1693 [hereinafter McCreary]; Van Orden v. Perry, et al., No. 03-1500;

5 WHEREAS, given that the current Term of the Supreme Court ends in late June 2005,
6 the Court will likely issue a decision or decisions in McCreary and Van Orden within the next
7 eight weeks;

8 WHEREAS, undersigned counsel for the defendants has, for many months, been
9 preparing for the international adoption of a child, and counsel will be traveling overseas for
10 this purpose from May 13 through May 27, 2005, and has long planned to take one week of
11 paternity leave immediately after returning from said travel, through June 3, 2005;

12 AND WHEREAS, the timing of said overseas travel is not within the control of counsel
13 for defendants;

14 NOW THEREFORE, the plaintiff and the defendants, through their undersigned
15 counsel, hereby stipulate and agree as follows, and respectfully request that the Court so order:

16 1. All proceedings in this case shall be stayed pending the United States Supreme
17 Court's issuance of a decision or decisions resolving both McCreary and Van Orden;

18 2. Defendants' response to the Complaint in this action shall be due thirty days after the
19 Supreme Court issues its decision or decisions resolving both McCreary and Van Orden,
20 provided that such decision or decisions are issued on or after June 3, 2005;

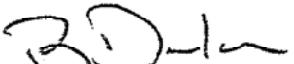
21 3. If the Supreme Court issues its decision or decisions resolving both McCreary and
22 Van Orden before June 3, 2005, then defendants' response to the Complaint shall be due on
23 July 5, 2005;

24 4. All dates heretofore set by the Court in this case are vacated.

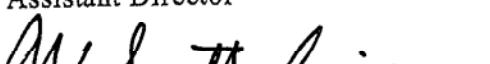
25 5. No later than twenty-one days after the filing of defendants' response to the
26 complaint, the parties shall file case management statement(s), as described in the Order
27 Setting Case Management Conference and Requiring Joint Case Management Conference

1 Statement, filed on April 4, 2005. Counsel for the parties shall confer regarding the case
2 management statement no later than ten calendar days after the filing of defendants' response
3 to the complaint.

4 Respectfully submitted,

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Assistant Attorney General

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United States Attorney

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11 Dated: April 22, 2005

12 PLAINTIFF PRO SE

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16 Dated: April 25, 2005

17 COUNSEL FOR DEFENDANTS
18 UNITED STATES OF AMERICA
AND CATHY CATTERSON

19
20 IT IS SO ORDERED.

21 Dated: April 26, 2005

22 
/s/ Jeffrey S. White
23 JEFFREY S. WHITE
UNITED STATES DISTRICT JUDGE

1 Certificate of Service

2 The undersigned hereby certifies that he served a copy of the foregoing Stipulation and
3 [Proposed] Order to Stay Proceedings on the plaintiff, by causing such copy to be deposited in
4 the United States Mail, first-class postage prepaid, on April 25, 2005, addressed as follows:

5 Ryan C. Donlon
6 88 Howard Street, #2212
7 San Francisco, CA 94105

8 /s/ W. Scott Simpson

9 W. SCOTT SIMPSON
